

In re:

Serial #: 09/756,688
For: Removable Bearing Assemblies
Filed: January 9, 2001
Inventor: Richard L. Fisher
GAU: 3617
Examiner: Avila
Docket #: Fisher-001221

DECLARATION OF RICHARD L. FISHER

I, Richard L. Fisher, declare as follows:

1. I am a citizen of the United States and reside at 245 19th Avenue North, Sartell, MN 56377
2. I am a founding shareholder and officer of Fisher Beavertail Manufacturing, Inc, which I founded in 1997.
3. The combination internal combustion engine, elongated drive shaft, concentric drive tube and propeller illustrated and described in my patent application serial no. 09/756,688 is commonly referred to in the marine industry as a mud motor.
4. Prior to June 26, 1999 I conceived of a drive assembly for a marine mud motor, comprising: an elongate drive tube, configured for rotatably receiving a drive shaft therethrough, wherein a lower end of the drive tube includes a drive assembly housing, having a lower end; a bearing, in rotational communication between the drive assembly housing and the drive shaft; and a seal, contained within the drive assembly housing, configured to restrict contaminants from entering the drive assembly housing.
5. I commissioned Mr. Tom Weber to manufacture the above recited drive assembly housing prior to June 26, 1999. Mr. Weber completed the manufacture on or before June 26, 1999, as evidenced by check stub 2808 (Exhibit A) which was payment for said manufacture.
6. The drive assembly housing manufactured by Mr. Weber on or before June 26, 1999

included a housing inside diameter larger than the inside diameter of the drive tube, a seal, and a seal cap threadably engaging the housing. The bearing of that same housing on or before June 26, 1999 had an outside diameter greater than the inside diameter of the drive tube.

6. The attached newspaper article (Exhibit B) was published on August 22, 1999 in the St. Cloud Times newspaper. The content was photographed and prepared before that date. The scaled lower drive assembly housing manufactured by Mr. Tom Weber and enclosing a bearing is visible in the center photograph of Exhibit B captioned "Mark Fisher attaches the motor to his boat for testing".
7. The mud motor including assembly housing and bearing photographed in Exhibit B was assembled, tested and demonstrated, thereby constituting reduction to practice, on or before August 22, 1999 and was not concealed or abandoned, as prima facie evidenced by Exhibit B.
8. The assembly housing and bearing photographed in Exhibit B formed the design upon which provisional patent application Serial No. 60/184,936 was prepared and filed on February 25, 2000 and subsequent patent application Serial No. 09/756,688 was prepared and filed on January 9, 2001.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize that validity of the application or any patent issuing thereon.

Dated: May 14, 2002

Signed:



Richard L. Fisher

2806
DATE 6/26/99
TO Rent St SE
Floud OSin Port
FOR
TAX DEDUCTIBLE
S9209 C1 72 BAL BRO'T FOR'D
DEPOSITS NR
TOTAL
THIS CHECK 75 00
OTHER
BALANCE 9594 54
~~9594 00~~

2807
DATE 6/26/99
TO Sun Dance
FOR Gas
Pick Parts up
TAX DEDUCTIBLE
DEPOSITS NR
TOTAL
THIS CHECK 25 00
OTHER
BALANCE 9494 54
~~9494 00~~

2808
DATE 6/26/99
TO Tom WeBek
For Parts
FOR
TAX DEDUCTIBLE
DEPOSITS NR
TOTAL
THIS CHECK 215 00
OTHER
BALANCE 9279 54
~~9279 00~~
9294.70